



**Zoning Board of Appeals Minutes
Tuesday, October 19, 2021
5:30 P.M. – City Council Chambers, 2nd floor, City Hall
425 East State Street
Rockford, IL 61104
779-348-7423**

Present:

ZBA Members:

Jennifer Spencer
Craig Sockwell
Jennifer Smith
Tom Fabiano
Maurice Redd

Absent:

Dan Roszkowski
Kim Johnsen

Staff:

Megan McNeill – Assistant City Attorney
Darius Morrow – Land Use Planner
Scott Capovilla - Planning and Zoning Manager
Mike Rotolo- Fire Prevention Coordinator
Jeremy Carter - Traffic Engineer

Others:

Renee Brass-Court Stenographer (Hansen Recording)
Bill Rose – Alderman
Chad Tuneberg - Alderman
Applicants and Interested Parties

Scott Capovilla explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

- The Chairman will call the address of the application.
- The Applicant or Representative will come forward and be sworn in.
- The Applicant or representative will present their request before the Board.
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name to the Zoning Board of Appeals secretary and the stenographer.

- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.
- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party.
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

The ZBA meeting is not a final vote on any item. However, it is the only time in which the public may participate. After the ZBA meeting, the item moves on to the Code & Regulation Committee. Although the public is invited to attend the meeting, public input is not allowed at the committee meeting. The date of the Code & Regulation meeting will be Monday, October 25, 2021, at 5:30 PM in City Council Chambers (2nd floor of City Hall) as the second vote on these items. The third and final meeting in this process is the City Council. That vote is tentatively scheduled on Monday, November 1, 2021. If the item is laid over at the ZBA meeting, the next meeting is Tuesday, November 16, 2021. If for any reason the item is laid over at the committee level or on the City Council floor, the item is automatically laid over for two (2) weeks.

The meeting was called to order at 5:39 PM. A **MOTION** was made by Maurice Redd to **APPROVE** the September 21, 2021 meeting minutes. The motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 5-0.

ZBA 003-21

Applicant
Ward 1

111 South Perryville Road

Lamar Advertising

Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District (**Referred back to ZBA by City Council**) **Laid over from July, August, & September**

The Administration requested a layover for this item.

A **MOTION** was made by Craig Sockwell to **LAYOVER** a Special Use Permit for the modification of an existing legally nonconforming billboard to an electronic graphic display billboard in a C-2, Limited Commercial Zoning District. The motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 5-0.

ZBA 046-21

Applicant
Ward 7

3707 Auburn Street

Mahmoud Odeh

Variation to reduce the required parking spaces from 77 spaces to 64 spaces and a **Variation** to eliminate interior landscape islands and open green areas between parking lot and a **Variation** to eliminate the required shade tree requirement in a C-3, General Commercial Zoning District

The Applicant, Mahmoud Odeh, and Architect Rob Belles were present. Mr. Belles stated they did not meet all of the performance criteria and this application was an attempt to be transparent because this a tough property but they are improving the property. Mr. Belles explained this Mr. Odeh is a renter with a current cell phone store there and wants to add a tobacco store next door and he is working really hard to make the improvements.

Mahmoud Odeh explained he has been in this center for 10 years with his cell phone store with 3 different landlords and owners who had different maintenance plans for the property. Mr. Odeh stated after he saw what zoning had recommended, he decided to take care of half of the items before today's meeting and was going to see to a regular lawn maintenance schedule.

Maurice Redd asked if the applicant is not the owner, does he have the ability to do this work without permission for the owner. Mr. Odeh stated that he has been in constant communication with the owner and has been given permission to take any steps needed. Mr. Odeh explained that he is taking responsibility because he is applying for the license and the lawn care will be done by the owner and the tenants will take care of it.

Jennifer Smith asked if they need to submit this variance application to get the tobacco license approved. Scott Capovilla stated they did not need to file this application at all and that is why the Staff's recommendation is for denial. Mr. Capovilla stated that staff is endorsing the tobacco license in the LTAB recommendation based on the plan that was submitted. Mr. Capovilla stated staff is opposed to these variation requests because they would go with the property permanently. Once you grant the variation requests, they would be exempted from complying with all of these items if the parking lot was reconstructed or if the property was redeveloped.

There was discussion among the board as to why this application was filed. Mr. Belles said they were just trying to meet requirements and thought they needed to file when they could not meet performance criteria.

Staff Recommendation was for denial. No objectors or interested parties were present.

A **MOTION** was made by Tom Fabiano to **DENY** Variation to reduce the required parking spaces from 77 spaces to 64 spaces and **DENY** a Variation to eliminate interior landscape islands and open green areas between parking lot and **DENY** a Variation to eliminate the required shade tree requirement in a C-3, General Commercial Zoning District. The Motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-0.

ZBA 047-21

Applicant
Ward 3

215 North 6th Street

Lance Bifulk

Special Use Permit for a Crematory in a C-2, Limited Commercial Zoning District

The Applicant, Lance Bifulk, was present. Mr. Bifulk stated this business has been in Rockford for over 100 years and he would like to install a crematory so they can take of the families that are choosing cremation. Mr. Bifulk stated about 70% of families in the Winnebago County area choose cremation. Mr. Bifulk explained that he collaborated with three other crematories in Wisconsin but he wanted to install it here so they can provide the service on site. Mr. Bifulk stated the new crematories do not produce any noise or smoke. He did state he agreed with the recommendation but his only concern is on the signage issue. Mr. Bifulk explained that primary reason is not to illuminate the building but for safety. People travel at a high rate of speed on 6th Street and people that are coming to his business are able to be to slow down because they can see the sign and do not pass the entrance.

Craig Sockwell asked if the crematory would be inside an existing building. Mr. Bifulk stated the crematory would be inside the existing garage. Mr. Sockwell asked how much space it would take in the garage. Mr. Bifulk explained the crematory is not that big.

Tom Fabiano inquired if the only reason Mr. Bifulk does not want to replace the sign is because of safety. Mr. Bifulk stated yes because of safety.

Mr. Bifulk, stated, I am concerned about the sign on the north side, if that is removed people will have to slam on their brakes trying to find the place and becomes a bottleneck.

Maurice Redd, asked, about some allegations of misconduct in Wisconsin and other charges in Winnebago County. Mr. Bifulk explained that all those have been resolved or dismissed.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Tom Fabiano to **APPROVE** a Special Use Permit for a Crematory in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-1 with Maurice Redd voting no.

Approval is based on the following conditions:

1. Meet all Building and Fire Codes
2. Submittal of a Building Permit for Staff's review and approval.
3. Submittal of final building elevations for the crematory indicating specific building materials for Staff's review and approval.
4. The property shall conform to State and Federal EPA Regulations.
5. Remove the existing freestanding pole sign at Crosby and 6th Street and/or replace it with a landmark style sign.
6. Must obtain separate permits for signage and any sign must be constructed to match building design and in accordance with the Sign Regulations.
7. All conditions must be met prior to establishment of use.

**FINDINGS OF FACT FOR APPROVAL OF A SPECIAL USE PERMIT
FOR A CREMATORY IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 215 NORTH 6TH STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-2 District in which it is located.

ZBA 048-21
Applicant
Ward 3

1311 North Main Street
Joseph James Partners LLC
Special Use Permit for indoor climate controlled self-storage in a C-2,
Limited Commercial Zoning District

Mark Stefanic of Joseph James Partners was present along with Project Manager Vince Chiarelli. Mr. Stefanic explained that the property has been owned by JJP for 14 years and there have been numerous attempts to redevelop the property and sell the property but now they believe the indoor climate control storage is a viable use.

Mr. Chiarelli explained that the property has been there for a while and there is not much interest in retail. He has experience developing self-storage projects in northern Illinois and recommended this as an option for indoor climate control storage. Mr. Chiarelli stated there has been some interest from retailer such as dollar stores but not a lot interest from the neighborhood. He said the parking creates an issue for most retail. He further stated the indoor storage facility will not look like a self-storage building but it will be rehabbed with lighting, security cameras, and key pads at all of the entrances.

Jennifer Smith inquired as to the ownership of the building. Mr. Chiarelli stated Joseph James Partners. Ms. Smith also asked what the hours of operations are. Mr. Chiarelli said 6:00 AM to 10:00 PM.

Maurice Redd asked who they anticipate will be the users residential or business. Mr. Chiarelli stated mostly residential and they thought this would be a good location because of the resurgence of downtown with the housing, apartments and condos. He said this demographic wants to protect their stuff.

Ms. Smith inquired staffing. Mr. Chiarelli stated because of the small size they will not have an office but will have a person who will check every couple of days and will be part time.

Ms. Smith stated that the board has a basic rendering and one of the conditions is you must submit a plan for improvements and what are doing for load in and load out. Mr. Chiarelli explained there is a loading dock in back but does not believe many people would use that very much. He said he sees probably three entrances and they may have to modify the main entrance on Main Street with a new storefront.

Jennifer Spencer asked if they had spoken to any neighbors. Mr. Chiarelli stated the owner had spoken to Churchill Grove and Signal Hill but did hear many objections. He stated they spoke with the North End Business Association, too.

Staff Recommendation was for approval. Numerous interested parties were present.

Holly Connell, an objector, explained her and husband own 1410 North Main Street and live in Churchill Grove on Harlem Boulevard. Ms. Connell explained that she has reviewed several Corridor Plans on the City's website and was encouraged by the Envision North Main Street Report completed in 2007. The report highlights three zones; public right-of-ways, neighborhood centers, and transitional areas and the last two she believes pertain to this request for the Special Use Permit and is why she is not in favor of it. Additionally, Ms. Connell explained that she is not in favor of the request because of the investments made by other businesses in the North End.

Ms. Connell also read a letter from an objector, Mike Werckle of The West Side Show Room. The letter highlighted Mr. Werckle's concerns with the proposed use.

Emily Christensen, an objector, spoke, as she is the owner of The Norwegian at 1402 North Main Street. This is a 90-year-old building that she has spent 3 years and lots of money to restore the building and filled it with new businesses. Ms. Christensen explained she understands the issues of a business owner and

asked does this Special Use Permit require the building to only be a storage facility or can it be used as commercial storefront. Ms. Christensen stated she has invested every dime she has in the North End and she has safety concerns. She said this would not help with jobs or the cleanliness of the property. They have begun to see signs of life in the neighborhood and a movement towards a vibrant community but the storage facility is a poor use of the property.

Joseph Epperson, an objector, explained he lives in the house behind this property and there are needles, bottles, trash, and used appliances thrown in alley next to his house. Mr. Epperson stated an indoor storage facility or any storage facility is not good for the neighborhood. He said the alley is the only way to get to his garage and if people start putting up stuff in the back, people will be coming through at all times of the day blocking the alley and he will have to wait to get to work or at home at night.

Chad Tuneberg, Third Ward Alderman, explained that property has been vacant for 10 to 15 years and he was approached by the developers and he let them know storage units was not his first choice. Alderman Tuneberg stated he was very frank that they work on the façade and landscaping. He said when you look at these climates controlled spaces that are in urban centers, you could walk by and not know they were a storage facility. Alderman Tuneberg explained that the North End is important to him. He gave accolades to the business owners, convinced the City to redo the parking lot and he has assisted the businesses. He stated the building sitting empty is not good and is detrimental for the four neighborhoods that converge on the area.

Mr. Stefanic explained that the building has been for sale or lease for 14 years. He said they have talked to numerous retailers and grocery stores but the parcel does not have a lot of parking. Additionally, he stated the building has challenges as it is being made up of three different building additions. Mr. Stefanic stated they had a master plan for the North End but the City did not agree with it. However, they did build the bank hoping that the bank would bring investments to the North End and the building but it has not happened for this building.

Jennifer Smith informed the Board they received an email that was submitted to Staff and was given to the Board as part of their packet with a neighbor speaking against the request.

Craig Sockwell stated he sees an issue with the parking that will be an issue for major retail or grocery store.

Tom Fabiano stated he understands the neighbors' concerns but the building sits there vacant and he hates to say it's better than nothing but having a vacant building is not good when you can get some utilization out of the building.

Jennifer Spencer stated she does not know if she agrees. Although she agrees that something is better than nothing at times but, listening to the neighbors, she would like to give this a second opportunity to be something different. She said no matter what goes there it may never be perfect but she is not sure it is the right thing. Ms. Spencer explained that the Staff report lists there are quite a few self-storage facilities in this area and there might be more coming.

Maurice Redd stated that he agrees we recently approved some storage facilities further up on North Main and he does not feel there is a need for the area and this is not the right thing right now.

Ms. Smith explained this is not the highest and best use considering all of the other developments that happened in the vicinity and it very frustrating to have our vision squandered by parking. Ms. Smith explains that the Staff report reflects this conflict as they recommend approval but they say the corridor is over saturated with storage facilities.

A **MOTION** was made by Jennifer Spencer to **Deny** a Special Use Permit for indoor climate controlled self-storage in a C-2, Limited Commercial Zoning District. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 4-1 with Tom Fabiano voting no.

**FINDINGS OF FACT FOR DENIAL OF A SPECIAL USE PERMIT
FOR INDOOR CLIMATE CONTROLLED SELF-STORAGE
IN A C-2, LIMITED COMMERCIAL ZONING DISTRICT
LOCATED AT 1311 NORTH MAIN STREET**

Denial of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance or operation of the Special Use Permit will be detrimental to and endanger the public health, safety, morals, comfort and general welfare of the community.
2. The Special Use Permit will be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will substantially diminish and impair property values within the neighborhood.
3. The establishment of the special use will impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have not been provided.
5. Adequate measures have not been taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use does not conform to the applicable regulations of the C-2 District in which it is located.

ZBA 049-21

Applicant
Ward 13

622 Tay Street

Nathan Gottschalk for Northwest Recovery

Special Use Permit for outdoor storage of towed passenger vehicles up to full-size work vans and trucks in an I-2, General Industrial Zoning District

Prior to the meeting, the Applicant requested a layover.

A **MOTION** was made by Tom Fabiano to **LAYOVER** a Special Use Permit for outdoor storage of towed passenger vehicles up to full-size work vans and trucks in an I-2, General Industrial Zoning District. The Motion was **SECONDED** by Maurice Redd and **CARRIED** by a vote of 5-0.

ZBA 050-21

Applicant
Ward 2

1631 Rural Street

Jennifer Kuroda

Special Use Permit for a mural on the west wall of building in a C-3, General Commercial Zoning District

The Applicant, Jennifer Kuroda, was present. Ms. Kuroda explained she is with the Sinnissippi Audubon Society. She stated the Audubon project is a public art project featuring birds that have been identified by the National Audubon Birds and Climate Change Report. She said according to the report, climate change will affect 389 species of birds by 2080. Ms. Kuroda states this will be the seventh mural in Rockford that features a bird from this report and Winnebago County has 24 species. Ms. Kuroda explains the message

behind these murals is to bring awareness to these issues to the community so that people can learn to protect birds and wildlife.

Maurice Redd asked what is the name of the bird. Ms. Kuroda stated it is a Northern Goshawk, a secretive bird that are hard to find but they pass through the area.

Staff Recommendation was for approval. No objectors or interested parties were present.

A **MOTION** was made by Craig Sockwell to **APPROVE** a Special Use Permit for a mural on the west wall of building in a C-3, General Commercial Zoning District. The motion was **SECONDED** by Jennifer Spencer and **CARRIED** by a vote of 5-0.

Approval is based on the following conditions:

1. A sign permit shall be required including an illustration of the proposed artwork shall be submitted with the permit application.
2. The mural panels may not consist of a vinyl banner material within a frame.
3. The mural must be maintained to meet code.

**FINDINGS OF FACT FOR APPROVAL OF A
SPECIAL USE PERMIT FOR A MURAL
IN A C-3, GENERAL COMMERCIAL ZONING DISTRICT
LOCATED AT 1631 RURAL STREET**

Approval of this Special Use Permit is based upon the following findings:

1. The establishment, maintenance, or operation of the Special Use Permit will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare of the community.
2. The Special Use Permit will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, and will not substantially diminish or impair property values within the neighborhood.
3. The establishment of the special use will not impede the normal or orderly development and improvement of the surrounding property for uses permitted in the district.
4. Adequate utilities, access roads, drainage and/or necessary facilities have been, are being, or will be provided.
5. Adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets.
6. The special use shall conform to the applicable regulations of the C-3 District in which it is located.

With no further business to come before the Board, the meeting was adjourned at 6:57 PM.

Respectfully submitted,
Darius Morrow, Land Use Planner
Zoning Board of Appeals